

★ SEP 30 2008 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

X

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

MEMORANDUM & ORDER

X

**MEMORANDUM & ORDER APPROVING SET 173: 13 AWARDS CERTIFIED BY THE
CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 31(2) OF THE RULES
GOVERNING THE CLAIMS RESOLUTION PROCESS AND AUTHORIZING PAYMENT
FROM THE SETTLEMENT FUND**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, the Claims Resolution Tribunal (the "CRT") is hereby requesting the Court's approval, pursuant to Article 31(2) of the Rules, of 13 certified Awards listed in Annex A, and the resources to pay these Awards through funds to be deposited in the Swiss Banks Settlement-Dormant Accounts-Payment Account from the Settlement Fund. The total amount of these 13 Awards is US \$3,179,821.68 (SF 3,466,005.63 converted at a rate of 1.09 Swiss Francs per U.S. Dollar).

With this one hundred and seventy-third set, a total of US \$506,998,423.53 will have been awarded thus far. This total amount is comprised of Awards issued under CRT I and CRT II combined, and Plausible Undocumented Awards (PUAs). Under CRT I alone, which took place from 1997 through 2000, 207 accounts, with a value of US \$18,184,492.00, were awarded as accounts that had belonged to Victims of Nazi Persecution. Under CRT II alone, 2,677 Awards for 4,256 accounts totaling US \$427,900,722.61¹ will have been made to date to Victims or Targets of Nazi Persecution

¹ This amount includes the payments of decisions on appeal issued by Special Masters Michael Bradfield and Helen Junz totaling US \$4,655,653.71.

making up the Deposited Assets Class, with the average Award amounting to US \$ 140,703.38.² The total number of PUAs issued to date is 12,360 less 184 full and partial deductions, totaling ^{The} ~~amount~~ ^{sl} \$60,913,208.92.

This submission includes one Award to one Primary Claimant who previously received a Plausible Undocumented Award ("PUA"), as detailed in Annex B to this Order. Each recipient was made aware at the time the PUA was awarded that, in the event the CRT located a Swiss Bank account or accounts to which he/she was entitled, the PUA amount of US \$5,000.00 already received would be deducted from any future award(s) that may be made in connection with such account(s). Therefore, the amount requested for transfer to the Swiss Banks Settlement-Dormant Accounts - Payment Account equals the award amount of US \$3,179,821.68 for the 13 Awards referred to above less US \$5,000.00 for previous PUA payment, for a total of US \$3,174,821.68.

As set forth in the Awards and as required by Article 31(3) of the Rules, the Certified Awards shall be paid in full by the Special Masters after approval of such Awards by the Court.

Therefore, it is hereby

ORDERED that the attached 13 Awards are hereby approved for payment pursuant to Article 31(2) of the Rules;

ORDERED that for the payment of these 13 Awards certified by the CRT and approved by the Court, less one payment previously made in the form of PUAs, the Signatories of the Settlement Fund are hereby ordered to transfer immediately US \$3,174,821.68 from the Settlement Fund to the Swiss Banks Settlement-Dormant Accounts-Payment Account;

It is further ordered that the Special Masters shall provide the Court with the name and address of every class member receiving an Award and Award Denials, which information shall be filed with the Court under seal.

² In calculating the average value of CRT-II awards, the Set 75 award and the two Set 110 awards were excluded because their size made them outliers that would have skewed the result. The calculation further excludes appeal awards in the amount of US \$4,500,173.97 in which the earlier award was not rescinded. On the other hand, the calculation includes appeal awards issued upon reversal of a denial as recommended by Special Masters Michael Bradfield and Helen Junz and issued by the CRT.

I will issue additional orders approving Awards certified by the CRT and transferring further sums from the Settlement Fund as the CRT certifies them to this Court.

Dated: Brooklyn, New York
September 30, 2008

SO ORDERED:

s/Edward R. Korman

Edward R. Korman
United States District Judge

CLAIMS RESOLUTION TRIBUNAL

[BATCH CLXXIII] - ANNEX A

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 26 September 2008 the following Awards for approval by the Court and payment by the Special Masters:

| Account Owner Last Name and Claim Number | Award Amount (SFr.) |
|--|----------------------------|
| 1. Balogh 752295/RS | 105,474.38 |
| 2. Bankhaus Sigmund Klopfer 215271/MBC; 501412/MBC** *** | 1,116,781.25 |
| 3. Bernard 715345/HB | 49,375.00 |
| 4. Gruber 402215/TC | 10,375.00 |
| 5. Grünfeld 771398/HB | 189,250.00 |
| 6. Isserlin 501805/NB | 242,750.00 |
| 7. Levy 222350/RS*** | 351,750.00 |
| 8. Mesk 207196/CU; 708046/CU*** | 189,250.00 |
| 9. Mueller 201534/JG; 205063/JG | 49,375.00 |
| 10. Pick 501792/NB, 501793/NB*** | 345,750.00 |
| 11. Schachian 501788/JG*** | 739,750.00 |
| 12. Strauss 215665/WT; 201563/WT | 26,750.00 |
| 13. Weber 200659/JG, 215267/JG* | 49,375.00 |
| TOTAL | 3,466,005.63 |
| Total amount in US Dollars³ | \$ 3,179,821.68 |

* MPM award

** TAD award

*** Substantively reviewed by SM Junz

³ Exchange rate as of 26 September 2008 of 1.09 Swiss Francs per U.S. Dollar.

CLAIMS RESOLUTION TRIBUNAL

*[BATCH CLXXIII] - ANNEX B
UNREDACTED / CONFIDENTIAL*

Deduction for Plausible Undocumented Awards previously issued by the Claims Resolution Tribunal:

| Account Owner Last Name and Claim Number | Claimant Name | Amount to be deducted (in US \$) |
|---|-------------------------------------|--|
| Bernard 715345/HB | Estate of Gabriella Koranyi | \$ 5,000.00 |
| Strauss 215665/WT; 201563/WT | Erna Samel | \$0.00 (Deducted in Strauss award, Batch 142) |
| Strauss 215665/WT; 201563/WT | Lieselotte Elisabet Susanne Klarner | \$0.00 (Deducted in Strauss award, Batch 142) |
| Total PUA Deduction Amount in US Dollars | | \$ 5,000.00 |
| Total Set Amount Awarded in US Dollars | | \$ 3,179,821.68 |
| Total Net Set Amount (after deduction) in US Dollars | | \$ 3,174,821.68 |

* MPM award

** TAD award

*** Substantively reviewed by SM Junz

